

REMARKS

Claims 1 through 25 are pending, with Claims 1, 7, 16, 21, 22, 23, 24, and 25 being independent. Claims 1 through 13 and 15 through 22 have been amended. Claims 23 through 25 have been added.

REQUEST FOR CONSIDERATION OF NOVEMBER 25, 2003 INFORMATION DISCLOSURE STATEMENT

The Official Action has requested copies of the Search Report and foreign documents from the November 25, 2003 Information Disclosure Statement. In response, Applicants have attached hereto additional copies of the documents. Return of the initialed Form PTO-1449 is earnestly solicited. While no fee is believed due; any fee required in connection with this Information Disclosure Statement should be charged to Deposit Account 06-1205. Favorable consideration is earnestly solicited.

FURTHER REMARKS

Claims 1 through 20 were rejected under 35 U.S.C. §§ 102 and 103 over US 2002/0171763 A1 (Stecyk, et al.), taken alone or in combination with US 6,255,961 B1 (Van Ryzin, et al.), both newly-cited. All rejections are respectfully traversed.

Claim 1 recites, *inter alia*, that a particular manual operation of one of the one or more manual operable members is able to cause, without other manual operations of the plurality of manually operable members, a selection of a program from the plurality of programs within the at least one data stream and a selection of the data stream, from which the program is selected, from the plurality of different data streams.

Claim 7 recites, *inter alia*, that the control circuit selects the program from the plurality of programs within the at least one data stream and further selects the data stream, from which the program is selected, from the plurality of different data streams in response to a specific manual operation of one of one or more manually operable members without other manual operations of the plurality of manually operable members.

Claims 16, 21, and 22 recite, *inter alia*, that the program is selected from the plurality of programs within the at least one data stream, and the data stream from which the program is selected, is selected from the plurality of different data streams, in response to a specific manual operation of one of one or more manually operable members without other manual operations of the plurality of manually operable members.

Claim 23 recites, *inter alia*, that the specific manual operation (of the manually operable member) is able to cause, without other manual operation of the manually operable means, a selection of the program from the at least one data stream conveying a plurality of programs, and a selection of the data stream, from which the program is selected, from the plurality of data streams.

Claim 24 recites, *inter alia*, that the selecting means selects the program from the at least one data stream conveying a plurality of programs, and further selects the data stream, from which the program is selected, from the plurality of different data streams in response to the specific manual operation of the manually operable member without other manual operations of the manually operable means.

Claim 25 recites, *inter alia*, that the program is selected in the selecting step from the at least one data stream conveying a plurality of programs, and the data stream, from which the program is selected, is selected from the plurality of different data streams in the selecting step,

in response to the specific manual operation of the manually operable member without other manual operations of the manually operable means.

However, Applicants respectfully submit that neither Stecyk, et al. nor Van Ryzin, et al., even in the proposed combination, assuming, *arguendo*, that such could be combined, discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 1, 7, 16, 21, 22, 23, 24, and 25.

The Official Action relies upon Stecyk, et al.'s paragraph [0062]. Applicants respectfully submit that such discloses, e.g., use of a control layer lever switch 21 to select between layers to control a TV set and other devices such as a cable box, a digital TV, a digital broadcast satellite tuner, a VCR, a DVD, or an audio device, and that the remote may be operated on a single layer, i.e., the TV control layer, to control and operate supported devices, and that Stecyk, et al. paragraphs [0065]-[0066] disclose that the DM 110 and UI 50 will present the user with a list of choices to watch, and the user U can select between these choices and rely upon the DM to do the necessary I/O port switching and device connecting, while the user operates all devices with one remote control device "on one layer, e.g., the TV layer". However, Applicants respectfully submit that such provides neither a disclosure nor a suggestion of at least the above-discussed claimed features which refer, *inter alia*, to the operation of one member without other manual operations, and both selection of a program and selection of a data stream.

Applicants also respectfully submit that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed

above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Daniel S. Glueck/
Daniel S. Glueck
Attorney for Applicants
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

DSG/jjr

FCHS_WS 1990809v1